

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20247

(over)

Application 28669 of Walter Hammeken, Dorothy Hammeken and
Patricia Hammeken

P.O. Box 100, Potter Valley, California 95469

filed on December 18, 1985, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Powerhouse Canal

Tributary to:

East Fork Russian River thenceRussian River

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Town- ship	Range	Base and Meridian
North 40° East 1,666 feet from SW corner of Section 6	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	17N	11W	MD

County of Mendocino

3. Purpose of use:	4. Place of use:	Section	Town- ship	Range	Base and Meridian	Acres
Stockwatering						
Irrigation	SW $\frac{1}{4}$ of SW $\frac{1}{4}$	6	17N	11W	MD	
	SE $\frac{1}{4}$ of SW $\frac{1}{4}$	6	17N	11W	MD	
	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	6	17N	11W	MD	
					Total	20

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.3 cubic foot per second to be diverted from January 1 to December 31 of each year. The maximum amount diverted under this permit shall not exceed 216 acre-feet per year. (0000005)
6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)
7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)
8. Construction work shall be completed by December 31, 1991. (0000008)
9. Complete application of the water to the authorized use shall be made by December 31, 1992. (0000009)
10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)
11. Permittee shall allow representatives of the State Water Resources Control Board and other parties as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)
12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

14. To the extent that water available for use under this permit is return flow, imported water, or wastewater, this permit shall not be construed as giving any assurance that such supply will continue. (0000025)

15. The equivalent of the continuous flow allowance for any 30-day period may be diverted in a shorter time, provided there be no interference with other rights and instream beneficial uses; and provided further that all terms or conditions protecting instream beneficial uses be observed. (0000027)

16. For the protection of fish and wildlife, permittee shall bypass, as a minimum, the following flows or the total stream flow, whichever is less:

(a) From May 15 through September 15, bypass 75 cubic feet per second in a normal water year; 40 cubic feet per second in a dry water year and 20 cubic feet per second in a critical water year.

(b) From September 16 through May 14, bypass 35 cubic feet per second in normal water year, 35 cubic feet per second in a dry water year and 20 cubic feet per second in a critical water year.

For the purposes of this term, the follow definitions shall apply:

(1) Dry water year conditions are defined to exist when the actual cumulative inflow to Lake Pillsbury for the water year (beginning October 1 of each calendar year) is less than or equal to:

8,800 acre-feet as of January 1
39,200 acre-feet as of February 1
65,700 acre-feet as of March 1
114,500 acre-feet as of April 1
145,600 acre-feet as of May 1
160,000 acre-feet as of June 1

(2) Critical water year conditions are defined to exist when the actual cumulative inflow to Lake Pillsbury for the water year is less than or equal to:

4,000 acre-feet as of January 1
19,500 acre-feet as of February 1
40,000 acre-feet as of March 1
45,000 acre-feet as of April 1
50,000 acre-feet as of May 1
55,000 acre-feet as of June 1

(3) Normal water year conditions exist in the absence of defined dry or critical water year conditions.

(4) The water year condition designation for the months of July through December shall be the same as the designation for the previous June. Water year conditions for January through June shall be redetermined monthly.

(5) Cumulative inflow to Lake Pillsbury is the calculated algebraic sum of releases from Lake Pillsbury, increases in storage in Lake Pillsbury, and evaporation from Lake Pillsbury. (0140060)

17. The Pacific Gas and Electric Company's Power House streamflow gage shall be the device used to measure the bypass flows required by the conditions of this permit. (0060062)

18. Permittee shall install a device, satisfactory to the State Water Resources Control Board, which is capable of measuring the instantaneous rate of diversion under this permit. Said measuring device shall be properly maintained. 0060062
(0060062)

19. To prevent fish from being drawn into the diversion, permittee shall place a fish screen or a gravel/rock filter at the diversion intake. If a screen is used, the openings or mesh shall not exceed 5/32-inch in greatest dimension, and the minimum clear open area of the screen shall be three square feet per cubic foot per second of water diverted. (0560500)

20. In accordance with Section 1601, 1603, and/or Section 6100 of the Fish and Game Code, no work shall be started on the diversion works and no water shall be diverted until permittee has entered into a stream or lake alteration agreement with the Department of Fish and Game and/or the Department has determined that measures to protect fishlife have been incorporated into the plans for construction of such diversion works. Construction, operation, and maintenance costs of any required facility are the responsibility of the permittee.

(0000063)

21. The State Water Resources Control Board maintains jurisdiction over this permit until the Federal Energy Regulatory Commission has made a final determination on the relicensing of Pacific Gas and Electric Company's Potter Valley hydroelectric project.

(0000083)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JULY 18 1988

STATE WATER RESOURCES CONTROL BOARD

Walter J. Petty
Chief, Division of Water Rights